

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 8380

Petition of New Cingular Wireless PCS, LLC,)
d/b/a AT&T Mobility, for a certificate of public)
good, pursuant to 30 V.S.A. § 248a, for the)
installation of telecommunications equipment in)
Townshend, Vermont)

Order entered: 11/25/2014

I. INTRODUCTION

In this Order, the Vermont Public Service Board ("Board") approves the application filed by New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility (the "Petitioner"), pursuant to 30 V.S.A. § 248a and the Board's Procedures Order ("Procedures Order"),¹ and grants the Petitioner a certificate of public good ("CPG") authorizing the installation of a wireless telecommunications facility in Townshend, Vermont (the proposed "Project").

II. BACKGROUND

This case involves a petition and prefiled testimony filed by the Petitioner on July 29, 2014, requesting that the Board issue a CPG, pursuant to 30 V.S.A. § 248a, authorizing the installation of a telecommunications facility in Townshend, Vermont.

On October 22, 2014, the Petitioner filed supplemental information with the Board.

On November 7, 2014, the Department of Public Service filed a letter with the Board recommending that the Board approve the petition without further investigation or hearings.

No other comments regarding the Project were filed with the Board.

1. *Amended order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a*, Order issued August 10, 2011.

The Board has determined that the petition and prefiled testimony have effectively addressed the substantive criteria of 30 V.S.A. § 248a. Consequently, we find that the procedure authorized by § 248a is sufficient to satisfy the public interest, and no hearings are required.

III. FINDINGS

1. The Project involves the installation of a wireless telecommunications facility located at 1939 Vermont Route 30 in Townshend, Vermont. The objective of the Project is to expand and improve wireless telecommunications coverage in the surrounding area. Exh. 6B-1 at 1-3.

2. The Project involves the installation of a new telecommunications tower with antennas, an equipment shelter, generator, and associated operating equipment within a new fenced compound. The Project also includes the construction of an access road to the compound. Exh. 6B-1 at 1-2.

3. The new monopine tower will be 120' tall and support up to 12 panel antennas, of various sizes, mounted on the tower at a centerline height of 116'. The equipment shelter will be approximately 11' by 16', and the diesel generator will be mounted on a 4' by 11' concrete pad. The equipment will be located within a 50' by 50' gravel compound surrounded by a 7' high chain link fence. The Project also includes improvements to an existing gravel road to create a new 12' wide access road extending approximately 1,500' from an existing driveway to the Project, new underground utilities to the compound, and ancillary equipment. Exh. 6B-1 at 1-2.

4. The Project will involve earth disturbance of approximately 17,555 square feet. Exh. 6B-1 at 2.

State Telecommunications Policy

[30 V.S.A. § 248a(a)]

5. The Project is consistent with the goal of directing the benefits of improved telecommunications technology to all Vermonters pursuant to 30 V.S.A. § 202c(b). The Project will provide new service and improve existing wireless telecommunications service in this area. Exh. 6B-1 at 3.

**Aesthetics, Historic Sites, Air and Water Purity,
the Natural Environment, and Public Health and Safety**

[30 V.S.A. § 248a(c)(1)]

6. The Project will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, or the public health and safety. This finding is supported by findings 7 through 27, below.

Public Health and Safety

[30 V.S.A. § 248a(c)(1)]

7. The Project will not have an undue adverse impact on public health and safety. Exh. 6B-1 at 8.

Outstanding Resource Waters, Headwaters

[10 V.S.A. §§ 1424a(d), 6086(a)(1)(A)]

8. The Project will have no impact on outstanding resource waters or headwaters. Exh 6B-1 at 7.

Water and Air Pollution

[10 V.S.A. § 6086(a)(1)]

9. The Project will not result in undue water or air pollution. This finding is supported by findings 10-18, below.

10. Noise associated with construction activities will be short term and will have a minimal impact on the area. Construction activities will take place between 7:00 a.m. and 7:00 p.m, excluding weekends and holidays. Dust-control measures will be taken when necessary during construction. Exh. 6B-1 at 6.

11. The radio frequency radiation associated with the Project will meet all standards prescribed by the Federal Communications Commission. Exhs. 6B-1 at 6-7 and 6B-7.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

12. The Project does not involve disposal of wastes or injection of any material into ground-water or wells. Exh. 6B-1 at 7.

Water Conservation, Sufficiency of Water, and Burden on Existing Water Supply

[10 V.S.A. §§ 6086(a)(1)(C), (a)(2) and (3)]

13. The Project will have minimal impact on water conservation measures, as the Project will not require water or sewer facilities. Exh. 6B-1 at 7.

Floodways

[10 V.S.A. § 6086(a)(1)(D)]

14. The Project is not located in a floodway. Exh. 6B-1 at 7.

Streams

[10 V.S.A. § 6086(a)(1)(E)]

15. The Project will not have an undue adverse impact on streams, as it is not located near a stream. Exh. 6B-1 at 7.

Shorelines

[10 V.S.A. § 6086(a)(1)(F)]

16. The Project will not have an undue adverse impact on shorelines, as it is not located near a shoreline. Exh. 6B-1 at 7.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

17. The Project will not have an undue adverse impact on wetlands. Exhs. 6B-1 at 7 and 6B-10.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

18. The Project will not cause unreasonable soil erosion or a reduction in the capacity of the land to hold water. All construction work will comply with Vermont standards and specifications for erosion and sediment control. Exh. 6B-1 at 8.

Transportation System

[10 V.S.A. § 6086(a)(5)]

19. The Project will not cause unreasonable congestion or unsafe conditions with respect to use of the highways, waterways, railways, airports or airways, or other means of transportation,

whether existing or proposed. Traffic to the unstaffed site will be limited following construction. Exh. 6B-1 at 8.

Educational Services

[10 V.S.A. § 6086(a)(6)]

20. The Project will not cause an unreasonable burden on the ability of a municipality to provide educational services. Educational services will not be affected by the Project. Exh. 6B-1 at 9.

Municipal Services

[10 V.S.A. § 6086(a)(7)]

21. The Project will not place an unreasonable burden on the ability of the local government to provide municipal or governmental services. The Project will not require any additional municipal or governmental services. Exh. 6B-1 at 8.

Aesthetics, Historic Sites, and Rare and Irreplaceable Natural Areas

[10 V.S.A. § 6086(a)(8)]

22. The Project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas. This finding is supported by findings 23 through 27, below.

23. The monopine tower will be 120' tall and designed to blend in with existing surrounding vegetation, thereby reducing the visibility of the Project from the surrounding area. The Project will not appear offensive or shocking to the average person given its relatively small size. Exh. 6B-1 at 5.

24. The Project does not violate any clearly identified community standards contained in the relevant regional or town plans. Exh. 6B-1 at 5.

25. The Project will not have an adverse impact on known historic sites. Exhs. 6B-1 at 6 and 6B-10.

26. The Project will not have an adverse impact on rare and irreplaceable natural areas. Exhs. 6B-1 at 7 and 6B-10.

27. The Project will not destroy or significantly imperil endangered species or necessary wildlife habitat. Exhs. 6B-1 at 7 and 6B-10.

IV. CONCLUSION

Based upon all of the above evidence, the petition does not raise a significant issue with respect to the relevant substantive criteria of 30 V.S.A. § 248a, the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248a, and the proposed Project will promote the general good of the State.

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Service Board of the State of Vermont that the installation and operation of a telecommunications facility at the location specified in the above findings, by New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility, in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248a(a), and a certificate of public good to that effect shall be issued in this matter.

Dated at Montpelier, Vermont, this 25th day November, 2014.

<u>s/James Volz</u>)	
)	
)	PUBLIC SERVICE
)	
<u>s/John D. Burke</u>)	BOARD
)	
)	OF VERMONT
)	
<u>s/Margaret Cheney</u>)	

OFFICE OF THE CLERK

FILED: November 25, 2014

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and Order.